

UNITED STATES DISTRICT COURT DISTRICT OF IDAHO



CRIMINAL JUSTICE ACT ATTORNEY MANUAL

effective October 2005

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CRIMINAL JUSTICE ACT PANEL ATTORNEY MANUAL

District of Idaho

This manual is provided as a resource to assist the Criminal Justice Act (CJA) court-appointed attorney with administrative duties related to the court appointment.

Each panel attorney is referred to the Criminal Justice Act Plan for the District of Idaho, **General Order #134**, which is on file in the U.S. Clerk's Office.

Composition and Management of CJA Panel

The CJA Panel is recommended by a Selection Committee and approved by the Court. The panel is designed to be large enough to provide a sufficient number of experienced attorneys to handle the CJA case load, yet small enough so that panel members receive an adequate number of appointments to maintain their proficiency in criminal defense work and thereby provide a high quality of representation. Members serve at the pleasure of the Court.

Attorneys who wish to be a member of the Idaho CJA panel must be “Registered Participants” in the District of Idaho’s Electronic Case Filing (ECF) system. Additionally, CJA panel attorneys should be familiar with the **Electronic Case Filing Procedures** governing e-filing in the District of Idaho.

Administration and management of the CJA Panel is centralized in the Clerk's Office to insure that counsel are appointed as expeditiously as possible, appointments are equitably distributed and information on availability of counsel is maintained.

Appointments are made in a manner which results in both a balanced distribution of appointments among members of the CJA Panel and quality representation for each CJA defendant. These objectives are accomplished by making appointments on a rotational basis, subject to the court's discretion to make exceptions due to the nature and complexity of the case, an attorney's experience, or geographical considerations.

Each attorney is uniquely identified in the automated payment system by their Social Security Number. For purpose of reporting taxable income to the Internal Revenue Service, attorneys may use their firm Tax ID number. Questions regarding the appropriate use of these numbers should be directed to the Clerk's Office.

Appointment of Counsel

All initial appointments are made to the Federal Defender's Office. The defender's office will notify the Clerk's Office whenever their office is unable to represent a defendant. The Clerk's Office will then immediately locate counsel from the CJA Panel.

Multiple Defendants in One Case: Unless good cause is shown, separate counsel are appointed for each defendant in a single criminal case. In the event an attorney is appointed to represent joint defendants, a separate CJA 20 voucher is prepared for each defendant and a separate statutory maximum applies for each defendant represented. The time and expenses claimed should be prorated between each defendant.

In cases where one attorney is appointed to represent multiple material witnesses, one voucher is prepared and one maximum applies.

One Defendant in Multiple Cases: An attorney may be appointed to represent one defendant in more than one case. A separate CJA-20 voucher will be prepared on each case. The time and expenses claimed should be prorated between the cases.

Appointment of Second Counsel: An additional attorney may be appointed in a capital case if the court finds it is in the interest of justice. At least one of the attorneys must meet the requirements listed in 21 USC §848(q). Additional counsel may be appointed in complex or extended cases. Motion must be made to the presiding judge seeking payment of co-counsel before payment can be made.

A CJA-appointed counsel may use the services of an associate counsel in out-of-court time without prior approval from the court. It may be at the discretion of the court to question excessive assistance from associates.

Continuation of Appointments: The appointment of an attorney continues until the conclusion of the case, or another attorney is appointed or appears as retained counsel. Counsel will receive a new voucher from the Ninth Circuit if the case proceeds on appeal. If the case is appealed to a District Judge from a judgment rendered by the magistrate judge, a new voucher will be prepared by the District Court.

Likewise, if a case is remanded to the District Court from the Ninth Circuit, the attorney appointed to handle the appeal will be deemed appointed in the District Court matter and a new voucher will be prepared by the District Court.

Absent special circumstances, whenever a case is transferred to another district such as under Rule 20, 21 or 40 Federal Rules of Criminal Procedure, a new appointment is completed in the transferee district.

Compensation and Expenses

The **CJA 20 voucher** is the form used for the compensation and reimbursement of expenses to appointed counsel. A billing statement itemizing in-court and out-of-court time, as well as expenses must be attached to all vouchers submitted.

Pursuant to General Order #134, *vouchers are to be submitted to the Clerk's Office in Boise no later than 45 days after the final disposition of the case.* Every effort should be made to submit claims as soon as possible upon completion of services rendered.

Itemization Requirements: Service hours **MUST** be reported in **tenths of hours**. Failure to do so may result in the voucher being returned for correction. In addition, the hours must be categorized on the front of the voucher. The billing statement should be categorized to correspond with the items listed on the voucher.

Proration of Claims: When a defendant is charged in one indictment with severable counts, one voucher is prepared and one maximum applies under Subsection (d)(2) of the Act, whether or not the counts are severed for trial. When a defendant is charged in two or more cases, a voucher is prepared and a separate maximum applies for each case, whether or not the cases are consolidated for trial.

Whenever appointed counsel submit separate vouchers, time spent in common to more than one case or defendant must be prorated between the vouchers. Case numbers and/or defendant names should be cross-referenced on the supporting billing statements. Time spent exclusively on any one case or defendant may properly be claimed on the voucher for that specific case or defendant.

Hourly Rates: Check the **CJA Hourly Rate Chart** for applicable hourly rates.

Maximum Compensation: Provisions of the Criminal Justice Act (CJA) as amended by the Federal Courts Improvement Act of 2000 increased the maximum compensation allowed for each appointment.

Other Issues:

- In-Court time should be limited to that time specifically spent in Court. All other time may be included in the Out-of-Court category.
- *Time claimed for acceptance of the appointment or for preparation of the voucher will not be allowed.*
- Appointed counsel shall not accept a payment from or on behalf of the person represented without authorization by the presiding judge. If such payment is authorized, it is to be deducted from the claim to be approved by the Court under Subsection (d) of the Criminal Justice Act.
- All vouchers should be submitted to the Clerk's Office in Boise, for initial auditing. Before payment is made, the voucher will be forwarded for approval to the presiding judge who concluded the matter even though the initial appointment was made by a Magistrate Judge.

Compensation in Excess of Statutory Maximum Payment in excess of the statutory maximum may be requested in "extended" or "complex" cases. A useful rule of thumb in determining whether a case is extended or complex is whether a trial was held. Other relevant factors may be:

- The number of defendants in the case.
- Unusual characteristics of the defendant (unable to speak English, mentally deficient, particularly uncooperative).
- Location of defendant.
- Type and number of crimes charged.
- Complexity or novelty of legal issues.
- Number of witnesses presented by all parties.
- Amount of pretrial discovery and investigation required.
- Number of pretrial motions; length of hearings; nature of hearings.
- Amount of trial preparation required.
- Length of trial.
- Length of sentencing hearing; complexity of issues; severity of potential sentence.

Counsel claiming payment in excess of the statutory maximum shall submit with the voucher, a detailed memorandum supporting and justifying that the representation given was in an extended or complex case. In any case where the claim is in excess of the statutory maximum, the Chief Judge of the Ninth Circuit must approve payment.

Substitution of Counsel Counsel may only be substituted by an Order of the Court. If the court appoints a panel attorney, the person so appointed -- not another attorney in the firm -- shall represent the defendant at all stages of the proceeding unless, upon petition to the court, a substitute appointment is granted. This policy applies to the out-of-court time expended for brief writing and research completed by the attorney, as well as all in-court appearances, though associate counsel may assist from time to time.

Interim Vouchers

Appointed counsel may petition the court for payment of interim vouchers. A motion should be filed defining the extended difficulty and/or financial hardship to counsel caused by the case. The motion should be accompanied by a **proposed order**.

Typically, interim periods should be no less than three months beginning at the first of the month of the initial filing and continuing thereafter. The approximate billing amount should be no less than \$2,500.

Travel and Out-of-Pocket Expenses

Travel and out-of-pocket expenses are not included in the statutory maximums. All expenses claimed which are \$50.00 or over must be accompanied by receipts.

Travel Compensation may be approved for time spent in necessary and reasonable travel. Such compensation is at a rate not to exceed the rate provided in Subsection (d) of the Act for "time reasonably expended out-of-court."

Mileage Claims Mileage may be claimed for use of privately-owned vehicle. This is similar to the rate claimed by government employees and is subject to change. Please check with the Clerk's office for current rate. Mileage should be itemized by listing the following:

- particular locations traveled to
- number of miles traveled on each date; and
- date of each travel event

Accordingly, expenses incurred for meals and lodging may be claimed when travel is required for *an overnight stay away from home*. Though per diem in lieu of subsistence is not allowable, travelers should be guided by the prevailing limitations existing in the Federal Judiciary Travel Regulations. Please contact the clerk's office to inquire on the rate for the traveler's place of destination prior to travel. The Court in this District requires advance authorization for counsel's expenses and travel which would be in excess of that which is ordinary and prudent.

Government Travel Account In 1992, Congress passed legislation authorizing CJA attorneys and experts to obtain government travel rates when providing representation under the Criminal Justice Act. Attorneys and experts wishing to travel on the Government Travel Account (GTA) should use the following procedures:

- Counsel shall forward to the Clerk's Office a **Request for a Travel Authorization**. A Travel Authorization will be issued by the court and sent to the traveler. The Travel Authorization is an official government document and should enable the traveler to obtain government rates at hotels as well. This travel request may be faxed for expediency. A copy of the Travel Authorization must be carried during the authorized travel for identification purposes if required.

- After the authorization has been obtained, the attorney/expert shall call Omega World Travel (OWT) at its toll free number indicated in the Travel Authorization to request tickets. The traveler would advise the NTS with the following:
 - District Court Information
 - Where the tickets are to be forwarded. If necessary, tickets may be pre-paid for pick-up at the airport.

The airline tickets will be paid by the court and the Government Travel Account (GTA) will be reconciled monthly by the Court. Copies of the airline ticket and the corresponding "Travel Authorization" should accompany the CJA voucher, **but should not be included in the payment.** Travel authorization in appellate cases must be arranged by the circuit clerk's office.

Omega World Travel is a "full-service" travel agency and can provide assistance with hotel reservations. Payment of hotel costs are not charged to the GTA account but are paid by the traveler and reimbursed on the CJA voucher.

Non-Custodial Transportation of Defendant Court-appointed counsel cannot be reimbursed for any transportation costs of the defendant. Defendants who reside a great distance from the court may make an **Application for Non-custodial Transportation by the U.S. Marshal Service.** The Court will require the defendant to verify a financial status of indigency.

Other Expenses Out-of-pocket expenses reasonably incurred may be claimed on the voucher and must be itemized. Cost for in-house photocopying in excess of 15 cents per page will not be authorized.

Non-Reimbursable Items

Appointed counsel may not claim reimbursement for

the following:

- General Office Overhead which includes such things as rent, telephone service and secretarial help.
- Items of Personal Nature for or on behalf of the person represented, such as purchasing new clothes or having clothing cleaned, getting a haircut, cigarettes, candy or meals, etc. Also, the cost of services of a personal nature and expenses incidental thereto which cannot be considered legal representation and are not allowed. For instance, assisting the defendant in the disposition of his or her personal property, arranging for the placement of minor children, assisting the defendant in executing probation, or providing legal assistance in matters unrelated to the litigation of the case, although incidental to the defendant's arrest, etc.
- Filing Fees for filing notices of appeal are not reimbursable. Appointed attorneys should not be required to pay a filing fee in a CJA case.
- Printing of Briefs is not a reimbursable expense.
- Service of Process such as witness fees, travel costs and expenses for services of subpoenas on fact witnesses are not a reimbursable expense. Please see the section on **Subpoenas and Witnesses**.
- Investigation or Other Services expenses under Subsection (e) of the Act shall not be considered out-of-pocket expenses. Employment of paralegals to assist in particular project must be claimed as expert services. Please review the section on expert services for further direction. Claims for these services should be submitted on CJA Voucher 21 form.

Computer Hardware and Software Providing an adequate defense case may require CJA panel attorneys to utilize computer hardware or software not typically available in a law office. In such cases, counsel may apply to the court for authorization of CJA funds for the acquisition of such property. Before seeking court approval for any computer hardware or software with a cost exceeding \$500, or for the utilization of computer systems or automation litigation support personnel or experts with an expected combined cost exceeding \$10,000, appointed counsel must consult the Office of Defender Services for guidance and inform the court in writing of the Office of Defender Service's advice and recommendation regarding counsel's proposed expenditure. The acquisition of the computer hardware and/or software, shall be made by a federal defender organization designated by the Office of Defender Services, or by the Office of Defender Services itself, and shall remain the property of the United States. While computer hardware or software is being used by counsel, information contained on the hardware or software may be confidential work product and may also be protected by attorney-client privilege. Upon the completion of the case, the computer hardware and software must be returned in good condition, after all case-related materials have been removed, to a federal defender organization designated by the Office of Defender Services. Unless otherwise required by the court or law, counsel should retain copies, electronic or otherwise, of the case-related materials for the client's file.

Legal Research Expenses

Law Student Assistance The cost of employment of a law student for research may NOT be considered an out-of-pocket expense. Please see Expert Services section for further direction.

Computer Assisted Research Computer assisted legal research may be allowed as a reimbursable expense. Whenever counsel incurs charges for computer assisted legal research, counsel should attach to the voucher the following:

- 1) a brief statement setting forth the issue or issues that were the subject matter of the research; and
- 2) a copy of the bill or a statement used by counsel showing billing of computer assisted research expense.

If the computer-assisted research charges are something the law firm has built into the normal rate charged to other clients, the attorney would not be able to claim those costs in the CJA voucher. This is office overhead. If the attorney routinely bills clients with a prorated claim of the total bill, then the CJA attorney will be able to claim it on the CJA voucher as long as:

- the research was done by the appointed counsel, and
- the bill can be prorated.

Subpoenas and Witnesses

Service of process such as witness fees, travel costs and expenses for service of subpoenas are not reimbursable expenses. The United States Marshal serves all subpoenas for the government and for the defendants with court-appointed counsel, if so ordered by the Court. Do not hire a process server to serve subpoenas. (Refer to Federal Rule of Criminal Procedure 17(b).)

Before subpoenas can be served at government expense, it is necessary for court-appointed attorneys to seek approval from the appropriate Judge. An **Ex Parte Application and Order** should be submitted to the Court listing the names of the witnesses to be subpoenaed and their addresses. This should be accompanied by the completed subpoenas ready for issuance by the Court.

The Marshal's payment form, the Fact Witness Voucher, will be supplied to the appointed counsel for each witness subpoenaed. The voucher shall be prepared by appointed counsel for each witness prior to the appearance of those witnesses in the Court. Counsel shall be responsible for completing the portion above "Part I" and sections A and B of Part I. **Do not sign the attendance certification.**

After testifying, the witness should present the voucher to the Judge's Courtroom Deputy. The voucher will then be submitted to the U.S. Marshal's Office for payment.

Fact Witnesses and Depositions

Fees and expenses of fact witnesses for defendants proceeding under the CJA are paid by the Department of Justice. Fed. R. Crim. P., Rule 17(b); 28 U.S.C. § 1825. Section 1825 of Title 28, United States Code, specifically provides for the payment of witness fees by the Department of Justice in all federal criminal proceedings, and in proceedings for a writ of habeas corpus or in proceedings under section 2255 of that title. If advance witness travel funds are required, the court should issue the subpoena order, so stating, to authorize the travel advance by the U.S. Marshal Service expenses will not be paid from CJA funds.

Depositions are covered by the Federal Rules of Criminal Procedure, Rule 15, rather than 18 U.S.C. § 3503. Expenses incurred in the taking of fact witness depositions (notarial fees, interpreters, transcripts, etc.) are paid by the Department of Justice, regardless of which party requested the deposition. The costs of attendance of *fact witnesses* at the deposition are paid by the Department of Justice under Rule 17 (b). The costs of attendance of *expert witnesses* for the defense are paid under the Criminal Justice Act (CJA-21). Expenses incident to attendance of counsel and the defendant at the deposition are paid by the Department of Justice if the Government is the requesting party. The CJA pays for these expenses if the depositions are at the instance of the defense. However, it should be noted that the presence of the defendant is not essential to defense depositions since the confrontation clause only requires the defendant's presence if the depositions are intended to be used against him.

In habeas corpus and 28 U.S.C. § 2255 cases, the Court may order the state or the Government to pay the "expenses of travel and subsistence and fees of counsel" to attend the taking of a deposition at the request of the state or Government. Rules governing Sections 2254 and 2255 cases in U.S. District Courts, Rule 6.

Interpreters

The Clerk of Court shall maintain a local roster of certified, professionally qualified and language skilled interpreters and shall provide assistance to parties in locating available interpreters.

Interpreters for all criminal court hearings are provided by the Court and payment is made by the Clerk's Office. The Interpreter is appointed to the case by the presiding judicial officer as required by 28 USC §1827(d)(1), and unless good cause is shown, should handle all required interpreting services in that case.

Interpreters used while taking material witness depositions are scheduled by the United States Attorney and payment is made by the Department of Justice.

Interpreters required by court-appointed counsel when conversing with their clients, witnesses, etc. are arranged by the attorney and billing is submitted on a CJA-21 voucher to the Clerk's Office for payment.

General Order #136 has established the hourly rate for out-of-court time for Interpreters, plus expenses, for certified or professionally-qualified interpreters .

Investigative Expert or Other Services

Investigative, expert or other services necessary to adequate representation, as authorized by subsection (e) of the Act, shall be available to persons eligible under the Act. Claims for these services should be submitted on **CJA-21 Voucher form**.

_____All claims for services other than counsel, under subsection (e) of the Act, should include the following:

- a statement as to type of service, dates and time expended.
- an explanation of fee arrangement (i.e hourly rate, per diem, etc.)
- an itemized statement of all expenses and supporting documentation for those expenses in excess of \$50.00.

Limitations

With Prior Authorization, compensation for investigative, expert or other services is limited to \$1,600 per organization or individual, exclusive of reimbursement of expenses reasonably incurred. A separate authorization should be obtained for each type of service obtained for each defendant served. Payment in excess of \$1,600 (exclusive of expenses), must be certified by the presiding judicial officer and approved by the chief judge of the Ninth Circuit. *If it is anticipated that the compensation will exceed the statutory maximum, advance approval should be obtained from the court. Applications for employment of experts and payment in excess of statutory maximum should indicate the rate being charged, the number of hours anticipated and an estimated total dollar amount for the service requested.*

Without Prior Authorization, compensation for investigative, expert or other services should not exceed \$500 plus reasonable expenses. This \$500 limit may be waived however if the presiding judicial officer, in the interest of justice, finds that timely procurement of necessary services could not await prior authorization.

Ex Parte Applications *Ex parte* applications for expert services other than counsel, may be placed under seal, subject to further order by the court.

Government Travel for Experts

Experts wishing to travel on the GTA

account should use the following procedures:

- The CJA counsel shall contact the court and submit in writing a **Request for Travel Authorization** for the travel of an expert. The Travel Authorization will be issued by the court and sent to the attorney. A Travel Authorization is an official government document and should enable the traveler to obtain government rates at hotels as well. This travel request may be faxed for expediency. A copy of the Travel Authorization must be carried during the authorized travel for identification purposes if required.
- After the authorization has been obtained, Omega World Travel (OWT) may be contacted at the number indicated in the Travel Authorization to request tickets. The traveler would advise the OWT with the following:
 - District Court Information
 - Where the tickets are to be forwarded. If necessary, tickets may be pre-paid for pick-up at the airport.

The airline tickets will be paid by the court and the GTA will be reconciled monthly by the Court. Copies of the airline ticket and corresponding "Travel Authorization" should accompany the CJA 21 Expert Services voucher when submitting for payment, **but should not be included in the claim**. The court will prefer the use of government rates in all possible instances in which a savings may be seen.

Omega World Travel is a "full-service" travel agency and can provide assistance with hotel reservations. Hotel costs should be claimed on the CJA 21 voucher and receipts in excess of \$50 should be attached. Though per diem in lieu of subsistence is not allowable, travelers should be guided by the prevailing limitations existing in the Federal Judiciary Travel Regulations. Please check with the court for the regulations for the place of destination prior to travel.

Psychiatrists, Psychologists

Chapter 313 of Title 18, as amended by the Insanity Defense Reform Act of 1984 (Chapter IV of the Comprehensive Crime Control Act of 1984), provides for court-directed psychiatric or psychological examination of individuals in connection with the various proceedings to determine mental condition which are authorized under the chapter. The functions of these separate proceedings are to determine:

- (1) the mental competency of a defendant to stand trial (18 USC §4241);
- (2) insanity at the time of offense (§4242);
- (3) the mental condition of an acquitted person hospitalized following a finding of not guilty only by a reason of insanity (§4243);
- (4) the present mental condition of a convicted defendant (§4244);
- (5) the present mental condition of an imprisoned person who objects to transfer to a treatment facility (§4245); and
- (6) the present mental condition of a hospitalized person due for release (§4246).

CJA funds are used to pay for psychiatric and related services obtained upon the determination that the services are "necessary for an adequate defense." These are "defense" services, where the defendant selects the expert and controls the disclosure of the expert's report. It is important to note that psychiatrists and related experts may be used in many circumstances in which payment is made from a source other than the CJA. **The Chart** summarizes payment responsibility for the various circumstances in which psychiatric and related services are utilized. The limitations of \$1,600 and \$500 apply to compensation claims submitted for "defense" services to be paid by the CJA appropriations. Compensation claims for psychiatric and related services to be paid by the Department of Justice should be referred to the U.S. Attorney or Assistant U.S. Attorney prosecuting the case.

Appeals

The appointment of an attorney continues when the case is appealed. Counsel will receive a new voucher from the Ninth Circuit. If the case is appealed to a District Judge from a judgment rendered by the magistrate judge, a new voucher will be prepared by the District Court.

If the appointed attorney wishes to withdraw as counsel of record, a motion for withdrawal should be made to the District Court within five days of the filing of the Notice of Appeal. The **Appeal Briefing Schedule** will be completed by the district court and the appeal will be transmitted to the Ninth Circuit. After that time, motions for withdrawal must be made to the Ninth Circuit. If the Ninth Circuit grants the motion for withdrawal, the Magistrate Judge in Idaho will receive an order from the circuit court to appoint new counsel. The voucher will be prepared by the Clerk's Office and signed by the appropriate Magistrate Judge but should be submitted to the Ninth Circuit for payment at the conclusion of the appeal.

Due to the unavailability of funds for duplication of files, it is the responsibility of the withdrawing counsel to provide the file (or copies) and any transcripts in their possession to newly appointed counsel. New counsel may also access the file using the Court's electronic case filing system.

Pursuant to Ninth Circuit Rule 28-3-1, opening briefs and responsive briefs are limited to no more than 35 pages. Appellant's optional reply brief is limited to 15 pages. Notice of these limitations, as well as the filing deadlines will be given in a **Appeal Briefing Schedule** prepared by the Clerk's Office.

CJA panel attorneys are referred generally to Federal Rules of Appellate Procedure 10 and Ninth Circuit Rule 10-3 for the duties of counsel with respect to transcript designation and ordering.

No Transcripts Required

1. **If no hearings were held**, within ten days after filing the Notice of Appeal, the appellant shall file a **Transcript Designation and Ordering Form** in the District Court so stating that no transcripts will be ordered in Item "16" block. Even though a transcript will not be required, the Transcript Order Form **must** be filed with the court.
2. **If hearings were held** and the appellant determines that a transcript is not needed for the purpose of appeal, within 10 days after filing the Notice of Appeal, the appellant must notify the U.S. that no transcripts are desired. If the attorney for the United States serves the appellant with a notice that transcripts are needed, the appellant **must** order **all** transcripts designated by the appellee, or must certify to the District Court that the portions desired by the U.S. are unnecessary to the appeal. Fed. R. App. P. 10(a)(3), Ninth Cir. R. 10-3.3, Ninth Cir. R. 10-3.1(c).

If arrangements for transcript production are not be made within 21 days after the filing of the Notice of Appeal, the appeal may be subject to dismissal and the imposition of sanctions pursuant to Circuit Rule 42-1.

Transcripts Required

1. If the appellant wishes to order transcripts for purposes of the appeal, within ten days after the filing of the Notice of Appeal, the appellant shall serve on the prosecuting U.S. Attorney a notice of the portions of the transcript the appellant deems necessary and plans to order. If the appellant plans to order less than the entire transcript, a statement of issues on appeal must be provided to appellee. Fed. R. App. P. 10(b)(3), Ninth Cir. R. 10-3.1(a), 10-3.2(a).
2. The appellee has ten days to respond and notify the appellant of additional transcripts desired.
3. Within ten days after the appellant has notified the U.S. of the transcripts desired, or the U.S. has served the appellant with notice of the additional transcripts needed, the appellant **must** order **all** designated by both appellant and appellee, or must certify to the District Court that the portions desired by the U.S. are unnecessary to the appeal. Fed. R.App. P. 10(a)(3), Ninth Cir. R. 10-3.3, Ninth Cir. R. 10-3.1(c).

If arrangements for transcript production are not be made within 21 days after the filing of the Notice of Appeal, the appeal may be subject to dismissal and the imposition of sanctions pursuant to Circuit Rule 42-1.

4. A properly completed **CJA 24 form** should accompany the reporter's copies of the Transcript Ordering Form.

5. When supplemental transcripts are required, the appellant must complete and submit another Transcript Order Form, AO 435 and a CJA 24 form. Submission and distribution of these forms shall be as set forth above. If the court reporter cannot complete the supplemental transcripts by the original due date, the appellant shall request revision of the time schedule from the Court of Appeals.
6. If the appellant requests that the court reporter suspend transcript production at any time prior to the transcript being filed, the appellant must notify the Court of Appeals promptly, in writing, of the date and reasons for suspension of transcript production.

Reimbursement of Transcripts

The cost of court-authorized transcripts should be claimed on **CJA Form #24**.

The following steps should be followed:

1. Contact the Judge's Court Reporter or Court Electronic Sound Recorder responsible for reporting the hearing needed.
2. Prepare the CJA Form #24 requesting the transcript and forward to the appropriate Court Reporter. It will then be forwarded to the appropriate judge for approval.

Payment is made to the Court Reporter by the Clerk's Office.